HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.15593 of 2004

Date: 20-03-2007.

Between :

M/s.Vijaya English Medium School, Azadnagar,
Anantapur, rep. by its Correspondent.

.....Petitioner

And

Regional Transport Officer, Anantapur.

.....Respondent.

HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.15593 of 2004

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties.

On 04.05.2001 at 4 p.m. near Gooty on Rayalacheruvu-Gooty road, the Motor Vehicles Inspector, Guntakal stopped and checked the educational institution bus bearing registration No.AP-02-U-1988. The bus was proceeding to Ananthapur, but had no passengers. According to the officer who inspected the bus, he, on interrogating the driver, came to the conclusion that the bus was being used for transporting a marriage party. The marriage party had been dropped and the bus was returning without passengers. Thereafter, in an enquiry, the Regional Transport Officer found that the owner of the bus had violated the provisions of Section 2(ii) of the Motor Vehicles Act, 1988 and therefore, it was directed that the vehicle should be treated as a contract carriage, and since a contract carriage was plying without permit,

tax was levied as a contract carriage. Such issues have been considered by a Larger Bench of this Court in a judgment in **L.Royal Reddy v. Government of A.P.**[1] and the Larger Bench came to the conclusion that in such situations, the authorities cannot convert the permit itself, but can take action for violating the conditions of permit.

In this view of the matter, we follow the Larger Bench judgment of this Court cited above, allow the writ petition, set aside the impugned order and give liberty to the respondent to proceed against the petitioner for alleged violation of conditions of permit, if they so choose. If any amounts are paid by the petitioner, the same may be refunded to him.

_____

BILAL NAZKI, J

20th March 2007.

_____

NOOTY RAMAMOHANA
RAO, J

ajr

---

[1] 2004 (2) ALD 225 (LB)